

B. REMARKS

By this amendment, Claims 1, 13, 25, 37, 49, 59, 69, 70, 77-79 and 90 have been amended. Hence, Claims 1-90 are pending in this application. The amendments to the claims do not add any new matter to this application. Furthermore, the amendments to the claims were made to improve the readability and clarity of the claims and not for any reason related to patentability. All issues raised in the Final Office Action mailed October 27, 2004 are addressed hereinafter.

It is noted that the first paragraph of the detailed portion of the Final Office Action stated that Claims 71-76 have been canceled. Applicant would like to respectfully point out that although these claims have been withdrawn, as a consequence of the prior election for examination of Group I Claims 1-70 and 77-90, they have not yet been canceled and are still pending in the present application.

REJECTION OF CLAIMS 1, 4, 5, 7, 8, 10, 13, 17, 19, 20, 22, 69 AND 70 UNDER 35 U.S.C. § 102(e)

In the Final Office Action, Claims 1, 4, 5, 7, 8, 10, 13, 17, 19, 20, 22, 69 and 70 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Keeseey et al.*, U.S. Patent No. 6,622,167 (hereinafter “*Keeseey*”). It is respectfully submitted that Claims 1, 4, 5, 7, 8, 10, 13, 17, 19, 20, 22, 69 and 70, as amended, are patentable over *Keeseey* for at least the reasons provided hereinafter.

CLAIM 1

Claim 1, as amended, recites a method for managing data stored in a cache that requires:

“providing a first version of data in response to receiving a first request for data;
detecting, independent of any request for the data, that a second more recent version of
the data is available;

in response to detecting, independent of any request for the data, that the second more recent version of the data is available,
requesting the second more recent version of the data be supplied to the cache,
and
storing in the cache the second more recent version of the data;
receiving a second request for the data; and
in response to receiving the second request for the data,
retrieving the second more recent version of the data from the cache, and
providing the second more recent version of the data.”

It is respectfully submitted that amended Claim 1 is patentable over *Keesey* because Claim 1 includes one or more limitations that are not taught or suggested by *Keesey*. For example, it is respectfully submitted that *Keesey* does not teach or suggest both the Claim 1 limitations of “detecting, independent of any request for the data, that a second more recent version of the data is available” and “in response to detecting, independent of any request for the data, that the second more recent version of the data is available, requesting the second more recent version of the data be supplied to the cache, and storing in the cache the second more recent version of the data.”

In both the passive and active modes of operation, a DSS may determine whether a new version of a document is available only after the DSS requests and receives a document from an upstream DSS or the Internet. The DSS may then determine whether the received document is a revised version of an existing document stored in the local cache of the DSS. Thus, in *Keesey*, a DSS determining whether a new version of a document is available necessarily depends upon the DSS first making a request for the document from an upstream DSS or the Internet.

The Final Office Action pointed out that *Keesey* also describes that in the active mode of operation, new versions of documents can be pushed downstream to any DSS that has previously requested the document, independent of the user request and inquiry process. *Keesey* at Col. 7, lines 25-30. Although not described in detail, presumably document shadowing program 34

would record which DSSs previously requested certain documents. When a new version of a document is available, the document shadowing program 34 would automatically supply the new version to downstream DSSs that had previously requested the document. This would be done without the downstream DSSs having to request the updated versions of the documents.

It is respectfully submitted that with either of these approaches, both of the Claim 1 limitations of “detecting, independent of any request for the data, that a second more recent version of the data is available” and “in response to detecting, independent of any request for the data, that the second more recent version of the data is available, requesting the second more recent version of the data be supplied to the cache, and storing in the cache the second more recent version of the data” are not taught or suggested by *Keeseey*. In the situation where a DSS determines whether a new version of a document is available, it is done only after the DSS requests and receives a document from an upstream DSS or the Internet. In this situation, the Claim 1 limitation of “detecting, independent of any request for the data, that a second more recent version of the data is available” is not satisfied, since the detection of the existence of a new version of a document is made in response to making a request for the document. In the situation where a DSS pushes a document downstream to any DSS that has previously requested the document, there is no request that the document be supplied to a downstream DSS. In this situation, the Claim 1 limitation of “in response to detecting, independent of any request for the data, that the second more recent version of the data is available, requesting the second more recent version of the data be supplied to the cache, and storing in the cache the second more recent version of the data” is not satisfied since no request is made to supply the more recent version of the document to a downstream DSS. An upstream DSS simply pushes a new version of a document to a downstream DSS. Thus, although each of the approaches described in *Keeseey*

corresponds to one of the limitations recited in Claim 1, none of the approaches in *Keesey* teach or suggest a method for managing data stored in a cache that includes all the limitations recited in Claim 1.

In view of the foregoing, it is therefore respectfully submitted that Claim 1 recites one or more limitations that are not taught or suggested by *Keesey* and that Claim 1 is therefore patentable over *Keesey*.

CLAIMS 4, 5, 7, 8 AND 10

Claims 4, 5, 7, 8 and 10 all depend from Claim 1 and include all of the limitations of Claim 1. It is therefore respectfully submitted that Claims 4, 5, 7, 8 and 10 are patentable over *Keesey* for at least the reasons set forth herein with respect to Claim 1. Furthermore, it is respectfully submitted that Claims 4, 5, 7, 8 and 10 recite additional limitations that independently render them patentable over *Keesey*.

CLAIMS 13, 17, 19, 20 AND 22

Claims 13, 17, 19, 20 and 22 recite limitations similar to Claims 1, 5, 7, 8 and 10, except in the context of computer-readable media. It is therefore respectfully submitted that Claims 13, 17, 19, 20 and 22 are patentable over *Keesey* for at least the reasons set forth herein with respect to Claims 1, 5, 7, 8 and 10.

CLAIMS 69 AND 70

Claims 69 and 70 recite limitations similar to Claim 1, except in the context of detecting whether new data that is not stored in the cache is available. It is therefore respectfully submitted that Claims 69 and 70 are patentable over *Keeseey* for at least the reasons set forth herein with respect to Claim 1.

In view of the foregoing, it is respectfully submitted that Claims 1, 4, 5, 7, 8, 10, 13, 17, 19, 20, 22, 69 and 70 are patentable over *Keeseey*.

REJECTION OF CLAIMS 2, 3, 6, 9, 11, 12, 14, 15, 18, 21, 23-69 AND 77-90 UNDER 35 U.S.C. § 103(a)

In the Final Office Action, Claims 2, 3, 6, 9, 11, 12, 14, 15, 18, 21, 23-69 and 77-90 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Keeseey*. It is respectfully submitted that Claims 2, 3, 6, 9, 11, 12, 14, 15, 18, 21, 23-69 and 77-90 are patentable over *Keeseey* for at least the reasons provided hereinafter.

CLAIMS 2, 3, 6, 9, 11 AND 12

Claims 2, 3, 6, 9, 11 and 12 all depend from Claim 1 and include all of the limitations of Claim 1. It is therefore respectfully submitted that Claims 2, 3, 6, 9, 11 and 12 are patentable over *Keeseey* for at least the reasons set forth herein with respect to Claim 1. Furthermore, it is respectfully submitted that Claims 2, 3, 6, 9, 11 and 12 recite additional limitations that independently render them patentable over *Keeseey*.

CLAIMS 14, 15, 18, 21, 23 AND 24

Claims 14, 15, 18, 21, 23 and 24 recite limitations similar to Claims 2, 3, 6, 9, 11 and 12, except in the context of computer-readable media. It is therefore respectfully submitted that

Claims 14, 15, 18, 21, 23 and 24 are patentable over *Keeseey* for at least the reasons set forth herein with respect to Claims 2, 3, 6, 9, 11 and 12.

CLAIMS 25-36

Claim 25, as amended, recites “detecting, independent of any request for the data, that a second more recent version of the data is available” and “in response to detecting, independent of any request for the data, that the second more recent version of the data is available, ... and requesting the second more recent version of the data be supplied to the cache.” These limitations are recited in Claim 1 and, as set forth herein with respect to Claim 1, it is respectfully submitted that these limitations are not taught or suggested by *Keeseey*. It is therefore respectfully submitted that Claim 25, as amended, is patentable over *Keeseey* for at least the reasons set forth herein with respect to Claim 1. Claims 26-36 depend from Claim 25 and include all of the limitations of Claim 25. It is therefore respectfully submitted that Claims 26-36 are also patentable over *Keeseey*.

CLAIMS 37-48

Claims 37-48 recite limitations similar to Claims 25-36, except in the context of computer-readable media. It is therefore respectfully submitted that Claims 37-48 are patentable over *Keeseey* for at least the reasons set forth herein with respect to Claims 25-36.

CLAIMS 49-58

Claim 49, as amended, requires limitations similar to Claim 1. For example, amended Claim 49 recites “determining, for each of the one or more data items, independent of any request for any of the one or more data items, whether a newer version of the data item is available” and “for each of the one or more data items where a determination is made,

independent of any request for any of the one or more data items, that a newer version of the data item is available, ... requesting the newer version of the data item be supplied to the cache.” It is therefore respectfully submitted that Claim 49 is patentable over *Keesey* for at least the reasons set forth herein with respect to Claim 1. Claims 50-58 all depend from Claim 49 and include all of the limitations of Claim 49. It is therefore respectfully submitted that Claims 50-58 are also patentable over *Keesey*.

CLAIMS 59-68

Claims 59-68 recite limitations similar to Claims 49-58, except in the context of computer-readable media. It is therefore respectfully submitted that Claims 59-68 are patentable over *Keesey* for at least the reasons set forth herein with respect to Claims 49-58.

CLAIMS 69 AND 70

Claim 69, as amended, requires limitations similar to Claim 1. For example, amended Claim 69 recites “detecting, independent of any request for data, that new data that is not stored in the cache is available” and “in response to detecting, independent of any request for data, that the new data is available, requesting that the new data be supplied to the cache.” It is therefore respectfully submitted that Claim 69 is patentable over *Keesey* for at least the reasons set forth herein with respect to Claim 1. Claim 70 recites limitations similar to Claim 69, except in the context of a computer-readable medium. It is therefore respectfully submitted that Claim 70 is also patentable over *Keesey*.

CLAIMS 77 AND 78

Claim 77, as amended, requires limitations similar to Claim 1. For example, amended Claim 77 recites requires “detecting, independent of any request for the content, that a second

more recent version of the content is available on the origin server” and “in response to detecting, independent of any request for the content, that the second more recent version of the content is available on the origin server,... requesting and receiving the second more recent version of the content from the origin server.” It is therefore respectfully submitted that Claim 77 is patentable over *Keesey* for at least the reasons set forth herein with respect to Claim 1. Claim 78 recites limitations similar to Claim 77, except in the context of a computer-readable medium. It is therefore respectfully submitted that Claim 78 is also patentable over *Keesey*.

CLAIMS 79-89

Claim 79, as amended, requires limitations similar to Claim 1. For example, amended Claim 79 recites requires “detect, independent of any request for content, that a second more recent version of the content is available” and “in response to detecting, independent of any request for the content, that the second more recent version of the content is available on the origin server, request the second more recent version of the content be supplied to the cache.” It is therefore respectfully submitted that Claim 79 is patentable over *Keesey* for at least the reasons set forth herein with respect to Claim 1. Claims 80-89 all depend from Claim 79 and include all of the limitations of Claim 79. It is therefore respectfully submitted that Claims 80-89 are also patentable over *Keesey*.

CLAIM 90

Claim 90, as amended, requires limitations similar to Claim 1. For example, amended Claim 90 recites requires “detect, independent of any requests for data stored in the cache, that a second more recent version of the data is available” and “in response to detecting, independent of any requests for data stored in the cache, that the second more recent version of the data is

available, ..., and requesting the second more recent version of the data be supplied to the cache." It is therefore respectfully submitted that Claim 90 is patentable over *Keesey* for at least the reasons set forth herein with respect to Claim 1.

It is respectfully submitted that all of the pending claims are in condition for allowance and the issuance of a notice of allowance is respectfully requested. If there are any charges, please charge them to Deposit Account No. 50-1302.

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that such contact would be helpful in furthering the prosecution of this application.

Respectfully submitted,

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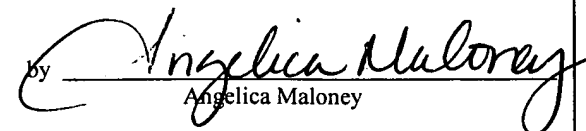
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on January 24, 2005

by



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